

**CENTRAL TEXAS COLLEGE
SYLLABUS FOR CJCR 1358
RIGHTS OF PRISONERS**

Semester Hours Credit: 3

INSTRUCTOR:

OFFICE HOURS:

I. INTRODUCTION

- A. This course provides an analysis of the legal rights of the convicted offender incarcerated in state and federal penal institutions. It will emphasize constitutional principles and case law. It will also outline federal and state statutes concerning prisoner rights
- B. This course is required for an Associate in Applied Science Degree program.
- C. This course is occupationally related and serves in preparation for career(s) in Corrections, Criminal Justice and Law Enforcement.
- D. Prerequisite(s): (List)(None)
- E. Alphanumeric coding used throughout the syllabus denotes the integration of SCAN occupational competencies (C) and Foundation skills (F).

II. LEARNING OUTCOMES

Upon successful completion of this course, Rights of Prisoners, the student will:

- A. Identify the legal rights of convicted criminal offenders. (C5-C7, FI, F2, F5, F6)
- B. Recognize state and federal statutes that apply to incarcerated offenders . (C5-C7, C9, C18, C19, F1, F2, F5-F17)
- C. Identify case law that applies to incarcerated offenders. (C5-C7, C9, C14, C18, FI, F2, F5-FI7)

III. INSTRUCTIONAL MATERIALS

- A. The instructional materials identified for this course are viewable through www.ctcd.edu/books
- B. Supplementary Reading: (None)

C. References:

1. Samaha, Joel, Criminal Procedure, 5th Ed, Minneapolis/St. Paul, MN: West Pub, 2002.
2. Zalman, Marvin, & Larry Siegel, Criminal Procedure, Constitution and Society, 3rd Ed, Upper Saddle River, NJ: Prentice Hall, 2001.
3. Klotter, John C., Legal Guide for Police: Constitutional Issues, 6th Ed, Cincinnati, OH: Anderson Publishing Co, 2002.
4. Kappeler, Victor E., Critical Issues in Police Civil Liability, 3rd Ed, Prospect Heights, IL: Waveland Press Inc, 2001.
5. Harr, Scott J., Karen M. Hess, Constitutional Law and the Criminal Justice System, 2nd Ed, Belmont, CA: Thomson Learning Co, 2002.
- 6 Garland, Norman M., Gilbert B. Stuckey, Criminal Evidence for the Law Enforcement Officer, 4th Ed, Columbus, OH: Glencoe McGraw-Hill, 2000.

D. Audio-Visual Aids: Power point presentations and videos at instructor discretion.

E. Other Instructional Materials: (None)

IV. COURSE REQUIREMENTS

A. Your first responsibility is scholarship. The grade you receive for this course will not be the grade of the instructor, but rather the grade you and you alone make.

B. You should attend class regularly and be prepared to participate in classroom discussions and to take unannounced quizzes relating to text assignments and lecture material presented from the beginning of the course.

C. You are encouraged to give your best effort throughout the semester. From the beginning, you should plan for a steady, organized, and continuous effort, which in the end will prove more effective for your final grade than a last minute crash-cram policy. Your course grade is not determined solely by exam grade. Such factors as class participation, initiative, attendance, and individual research papers will be considered in grade computation.

D. From time to time, special library and/or outside assignments will be made to members of the class individually and/or in groups. You are expected to read all assignments and fulfill your responsibilities to any group assignment.

E. You are expected to read all assigned material and bring your textbook to class. Keep informed on all assignments, especially after an absence.

F. Good class notes are indispensable for earning a good grade, since both the material assigned and that discussed in class will be the basis for examination material.

G. Special Work: A term paper or other research project, per requirements of the instructor, will be required. The subject must be appropriate for the course material.

Check with the instructor when you have made a selection. The value is indicated in the semester grade computation and has considerable weight on your final average.

V. EXAMINATIONS

A. There will be a minimum of three major examinations, as follows:

1. Three-week exam
2. Mid-term exam
3. Twelve-week exam
4. Final exam

B. A student must be present for all examinations. No make-up examinations will be given. Students who know in advance that they will be absent from an examination due to valid reasons must arrange to take an early examination. Unexpected absences due to illness or extenuating circumstances will require the student to see the instructor about individual make-up work.

C. Students without excused absences will be given a zero for the missed examination.

D. Examinations may consist of objective (true/false, multiple choice, fill-in-the-blank, and matching) or subjective (short answer and essay) questions, or a combination of both types. Students majoring in Criminal Justice and Law Enforcement must be able to communicate both orally and in written form, thus some questions requiring the composition and writing of an essay answer will be required.

VI. SEMESTER GRADE COMPUTATIONS

<u>EXAM</u>	<u>POINTS</u>	<u>POINTS</u>	<u>GRADES</u>
Three-week	200	900-1000	A =4 pts/sem hr
Mid-semester	200	800- 899	B=3 pts/sem hr
Twelve-week	200	700- 799	C=2 pts/ sem hr
Final exam	200	600- 699	D= 1 pt/ sem hr
*Incentive Points	50	0- 599	F=O pts/sem hr
Discussion	<u>150</u>		
TOTAL	1000	1000	

*Incentive points are earned by doing special work on your own initiative, participating in class discussions, completing outside assignments, and having a good attendance record.

Four points are deducted for each unexcused absence. Military assignments or unavoidable circumstances will be evaluated upon notification of the instructor.

VII. NOTES AND ADDITIONAL INSTRUCTIONS FROM COURSE INSTRUCTOR

A. Withdrawal from Course: It is the student's responsibility to officially drop a class if circumstances prevent attendance. Any student who desires to, or must, officially withdraw from a course after the first scheduled class meeting must file a Central Texas College Application for Withdrawal (CTC Form 59). The withdrawal form must be signed by the student.

CTC Form 59 will be accepted at any time prior to Friday of the 12th week of classes during the 16-week fall and spring semesters. The deadline for sessions of other lengths is as follows:

10-week session	Friday of the 8th week
8-week session	Friday of the 6th week
5-week session	Friday of the 4th week

The equivalent date (75% of the semester) will be used for sessions of other lengths. The specific last day to withdraw is published each semester in the Schedule Bulletin.

Students who officially withdraw will be awarded the grade of "W," provided the student's attendance and academic performance are satisfactory at the time of official withdrawal. Students must file a withdrawal application with the college before they may be considered for withdrawal.

A student may not withdraw from a class for which the instructor has previously issued the student a grade of "F" or "FN" for nonattendance.

B. An Administrative Withdrawal: An administrative withdrawal may be initiated when the student fails to meet College attendance requirements. The instructor will assign the appropriate grade on the Administrative Withdrawal Form for submission to the registrar.

C. An Incomplete Grade: The College Catalog states, "An incomplete grade may be given in those cases where the student has completed the majority of the course work, but because of personal illness, death in the immediate family, or military orders, is unable to complete all the requirements for a course." Prior approval from the instructor is required before the grade of "I" is recorded. A student who merely fails to show for the final examination will receive a zero for the final and an "F" for the course.

D. Cellular Phones and Beepers: Cellular phones and beepers will be turned off while the student is in the classroom or laboratory.

E. American's With Disabilities Act (ADA): Disability Support Services provide services to students who have appropriate documentation of a disability. Students requiring accommodations for class are responsible for contacting the Office of Disability Support Services (DSS) located on the central campus. This service is available to all students, regardless of location. Explore the website at www.ctcd.edu/disability-support for further information. Reasonable accommodations will be given in accordance with the federal and state laws through the DSS office.

F. Instructor Discretion: The instructor reserves the right of final decision in course requirements.

G. Civility: Individuals are expected to be cognizant of what a constructive educational experience is and respectful of those participating in a learning environment. Failure to do so can result in disciplinary action up to and including expulsion.

VIII. COURSE OUTLINE

A. Unit One: Course Introduction and Chapter 1, An Overview of the Judicial System

1. Learning Outcomes: Upon successful completion of this unit, the student will:

- a. Describe course requirements and grading.
- b. Explain the common law foundation of the American judicial system.
- c. Develop an understanding of equity and its role in common law.
- d. Develop an understanding of precedent and its impact on the judicial decision-making process.
- e. Explain the structure of court systems in America.
- f. Describe the right and form of appeal.
- g. Introduce the trial process.
- h. Explain the standard of proof in civil, criminal, and equity cases.
- i. Explain the reference system for locating legal decisions.

2. Learning Activities:

- a. Introduction and orientation
- b. Classroom lecture/discussion
- c. Reading assignment: Chpt 1, pages 1-17

3. Unit Outline: Refer to Contents, textbook page vi

B. Unit Two: Chapter 3, Use of Force; Use of Corporal Punishment to Enforce Prison Discipline

1. Learning Objectives: Upon successful completion of this unit, the student will:

- a. Identify the parameters established for the application of force.
- b. Explain the conditions under which force may be applied as a self-or third party defense response; to obtain inmate compliance with prison rules and

- Regulations; and to prevent crime or escape.
- c. Discuss the history, role, and rationality of corporal punishment in the enforcement of prison discipline.

2. Learning Activities:

- a. Classroom lecture/discussion
- b. Reading assignment: Chpt 3, pages 31-45

3. Unit Outline: Refer to Contents, textbook page vi

C. Unit Three: Chapter 4, Prisoner's Rights to Visitation/Association; Searches

1. Learning Objectives: Upon successful completion of this unit, the student will:

- a. Explain the constitutional protections afforded pretrial detainees.
- b. List the conditions under which communication between prisoners can be restricted.
- c. Outline inmate unionization efforts.
- d. Explain prisoner rights and entitlements pertaining to conjugal visits.
- e. Discuss issues regarding prisoner access to the media and media access to prisoners.
- f. Explain the scope and conditions of permissible visitor and prisoner searches.

2. Learning Activities:

- a. Classroom lecture/discussion
- b. Reading assignment: Chpt 4, pages 49-65

3. Unit Outline: Refer to Contents, textbook page vi-vii

D. Unit Four: Chapter 5, Prisoner's Rights to Use of the Mail, Internet, and Telephone

1. Learning Objectives: Upon successful completion of this unit, the student will:

- a. Explain the rationale for denying or restricting prisoner- s rights to various forms of communication.
- b. Assess the state-s rights to control an inmate-s use of the mail.
- c. Outline a prisoners rights related to communication with the courts; his or her attorney; non-judicial public officials and agencies; the media; and prisoners in other institutions.
- d. List a prison-s rights related to receipt of inflammatory or obscene material; racially oriented periodicals; books and packages from outside sources.
- e. Discuss the use of mail lists by prison officials to monitor inmate mail.
- f. Discuss a prisoner's rights related to use of the internet.
- g. Discuss a prisoner's rights related to use of the telephone.

2. Learning Activities:

- a. Classroom lecture/discussion
- b. Reading assignment: Chpt 5 pages 69-94
- c. Three-week exam

3. Unit Outline: Refer to Contents, textbook page vii

E. **Unit Five:** Chapter 6, Isolated Confinement-“The Hole”

1. Learning Objectives: Upon successful completion of this unit, the student will:

- a. Explain the hands-off doctrine applied by the courts through the mid- 1960's.
- b. Show the applicability of the Eighth Amendment to issues relating to isolated confinement.
- c. Explain the constitutional status of isolated confinement.
- d. List the permissible conditions of isolation that may be imposed.
- e. State the purpose of isolated confinement.
- f. Validate isolation as a means to protect specific inmates from the retaliatory actions of other inmates.
- g. Explain the concept of proportionality of punishment.

2. Learning Activities:

- a. Classroom lecture/discussion
- b. Reading assignment: Chpt 6, pages 99-116

3. Unit Outline: Refer to Contents, textbook pages viii

F. **Unit Six:** Chapter 7, Religion in Prison

1. Learning Objectives: Upon successful completion of this unit, the student will:

- a. Outline the effects of imprisonment on religious rights.
- b. Explain constitutionally supported restrictions on the free exercise of religion in a prison or jail setting.
- c. Identify the effects of the Fourteenth amendments equal protection clause, particularly on prison administrator’s handling of minority religions.
- d. Examine various areas of constitutional concern relating to prisoner’s religious rights.
- e. Explain the scope and limitations of the Religious Freedom Restoration Act.

2. Learning Activities:

- a. Classroom lecture/discussion
- b. Reading assignment: Chpt 7, pages 121-157

3. Unit Outline: Refer to Contents, textbook page viii-xiv

G. **Unit Seven:** Chapter 8, Legal Services

1. Learning Objectives: Upon successful completion of this unit, the student will:
 - a. Explain what is meant by the constitutional right of access to the courts and legal materials.
 - b. Describe existing legal service practices in contemporary prisons.
 - c. Describe the effect of the court-s ruling in Johnson v. Avery.
 - d. Explain the role, functions and limitations of, and alternatives to, the jailhouse lawyer.
 - e. Outline the responsibilities of prison officials for providing legal material.
 - f. Explain an inmate’s right to counsel.
 - g. Identify prohibitions against retaliation for exercising ones constitutional rights.
 - h. Explain constitutionally acceptable restrictions on access to the courts.
2. Learning Activities:
 - a. Classroom lecture/discussion
 - b. Reading assignment: Chpt 8, pages 165-187
3. Unit Outline: Refer to Contents, textbook pages xiv

H. Unit Eight: Chapter 9, Prisoner Disciplinary Proceedings

1. Learning Objectives: Upon successful completion of this unit, the student will:
 - a. Outline the due process mandates as they pertain to disciplinary proceedings against prisoners.
 - b. Identify and list specific due process requirements applicable at each stage of the disciplinary hearing process.
 - c. Describe legal remedies available to inmates on matters relating to disciplinary processes within a prison.
2. Learning Activities:
 - a. Classroom lecture/discussion
 - b. Reading assignment: Chpt 9, pages 193-213
 - c. Mid-term exam
3. Unit Outline: Refer to Contents, textbook page xiv-xv

I. Unit Nine Chapter 10, Right to Rehabilitation Programs, Right to Medical Aid, and Right to Life

1. Learning Objectives: Upon successful completion of this unit, the student will:
 - a. Identify and list inmate’s rights regarding rehabilitation programs, medical aid, right to life, and civil disabilities.
 - b. Discuss common sex discrimination issues affecting inmates.
 - c. Identify and list existing federal protective statutes.

2. Learning Activities:
 - a. Classroom lecture/discussion
 - b. Reading assignment: Chpt 10, pages 219-250
3. Unit Outline: Refer to Contents, textbook page xv

J. Unit Ten: Chapter 11, Additional Litigation

1. Learning Objectives: Upon successful completion of this unit, the student will:
 - a. Identify classification processes and common issues of contention.
 - b. Discuss common transfer issues.
 - c. Explain the process of extradition.
 - d. List the unique elements of law relating to search and seizure in a correctional institution.
 - e. Introduce Eighth Amendment implications of overcrowding in correctional institutions.
 - f. Discuss constitutional issues related to the conditions under which prisoners may be confined.
 - g. Examine issues related to the constitutional liberties of correctional personnel.
 - h. Explain the ex post facto clause of the Constitution relative to the application of rules and regulations to inmates.

2. Learning Activities:
 - a. Classroom lecture/discussion
 - b. Reading assignment: Chpt 11, pages 259-293
3. Unit Outline: Refer to Contents, textbook page xv-xvi

K. Unit Eleven: Chapter 12, Parole and Probation

1. Learning Objectives: Upon successful completion of this unit, the student will:
 - a. Define a Parole.
 - b. Explain how parole is used as a control mechanism for both the individual inmate and for the prison population as a whole.
 - c. Define a revocation and explain how it is used as a parolee control mechanism.
 - d. Identify the procedures involved in revoking parole.
 - e. Describe the practice of probation.
 - f. Explain common conditions imposed on those granted parole.
2. Learning Activities:
 - a. Classroom lecture/discussion
 - b. Reading assignment: Chpt 12, pages 301-341

3. Unit Outline: Refer to Contents, textbook page xvi

K. Units Twelve: Chapter 13, Litigation against Government and Individuals

1. Learning Objectives: Upon successful completion of this unit, the student will:

- a. Discuss the limitations of federal and state jurisdiction.
- b. Identify barriers to inmate lawsuits.
- c. Explain the doctrine of sovereign immunity.
- d. Discuss the “hands-off” doctrine.
- e. List the various remedies available in federal and state proceedings.

2. Learning Activities:

- a. Classroom lecture/discussion
- b. Reading assignment: Chpt 13, pages 349-400
- c. Twelve-week exam (optional)

3. Unit Outline: Refer to Contents, textbook, page xvii

L. Unit Thirteen: Chapter 14-15, The Prison Litigation Reform Act & Related acts

1. Learning Objectives: Upon successful completion of this unit, the student will:

- a. Examine the scope of explosive growth in prisoner lawsuits in the last third of the twentieth century.
- b. Debate the frivolous nature of many of these prisoner lawsuits and be able to defend both sides of the argument.
- c. Discuss the problems established by the extraordinary volume of prisoner lawsuits in almost every state and federal jurisdiction, and the impediments this volume created for the efficient and effective administration of American justice.
- d. Explain the federal legislative responses to the remarkable increase in prisoner lawsuits.
- e. Identify federal responses to specific confinement issues disproportionately represented in the increased prisoner lawsuits.
- f. Explain the Federal Tort Claims Act and the Americans with Disability Act

2. Learning Activities:

- a. Classroom lecture/discussion
- b. Reading assignment: Chpt 13, pages 411-448

3. Unit Outline: Refer to Contents, textbook page xvii-xviii

M. Unit Fourteen: Human Rights of Prisoners: A Comparison Study of the European Convention on Human Rights

- 1. Learning Objectives:** Upon successful completion of this unit, the student will:
- a. Illustrate the operation and focus of an international agency concerned with the humane treatment of incarcerated individuals.
 - b. Provide examples of rulings by both the European Court of Human Rights and Convention's Commission on matters relating to the humane treatment of incarcerated individuals.
 - c. Provide an example ruling by the European Court of Justice on the question of extradition to the United States of an individual accused of capital murder.

- 2. Learning Activities:**
- a. Classroom lecture/discussion
 - b. Reading assignment:
 - c. Review for final

N. Unit Fifteen:

1. Review for final exam
2. Final exam

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